

### Remarks

Applicants have amended the specification herewith to delete reference to an unperfected priority claim to U.S. Patent Application Serial No. 09/235,245. In particular, as set forth in the copy of the filing receipt and signed Declaration and Power of Attorney submitted herewith, applicants never perfected a claim for priority to U.S. Patent Application Serial No. 09/235,245, despite the language of the first paragraph of the specification. Pursuant to Manual of Patent Examining Procedure § 201.11(III)(F), “only the benefit claims that are listed on the filing receipt have been recognized by the Office.” Accordingly, applicants are correcting the specification to correspond to the priority data as claimed in the above-identified application.

In addition, applicants have amended the description of Figure 2 to correspond to the formal drawings being submitted herewith. No new matter has been added.

Further, in the amendment filed January 17, 2008, applicants noted that the PTO has cited the following references on pages 2, 8, and 10 of the July 18, 2007, office action:

at page 2, paragraph 4: Bodnar et al., *J. Clin. Microbiol.* (1996) and Snyder et al., *Molecular Genetics of Bacteria*, American Society for Microbiology (1997);

at page 8, paragraph 11: Pestova et al., *Mol. Microbiol.*, 21(4):853-862 (1996), Cheng et al., *Mol. Microbiol.*, 23(4):683-692 (1997), and Genbank Accession No. AF000658; and

at page 10, paragraph 12: WO98/42845-A1 to Ueyama et al.

However, these references were not included in the PTO-892 form. Applicants again respectfully request that the PTO provide a PTO-892 form listing the above references.

In addition, applicants note that the Title of the Invention in the above-identified application was amended in the Amendment filed December 5, 2005. This amendment to the Title is not reflected in the Notice of Allowance and Fees Due and Part B – Fees Transmittal. Accordingly, applicants have corrected the Part B- Fees Transmittal (form PTOL-85) being submitted concurrently herewith to reflect the correct title.

No new matter has been added by this amendment. It is respectfully requested that this amendment be entered and the case forwarded to issuance.

Respectfully submitted,

Date: June 17, 2008

/Georgia Evans/  
Georgia Evans  
Registration No. 44,597

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1304  
Facsimile: (585) 263-1600